

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2001, PRESIDING

February 15, 2001

A. CALL TO ORDER

The February 15, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- Gerald Clifton-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. ASluggo@ Davis-----Chancery Clerk
- James Albert Riley-----Sheriff
- David Armstrong-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

Supervisor John Caldwell presented the invocation.

C. PUBLIC HEARING

County Administrator David Armstrong welcomed everyone to the public hearing to discuss possible modifications to the DeSoto County zoning ordinance, Article XII., 2, as related to off premise signs (more commonly referred to as billboards) in the unincorporated portions of DeSoto County. Mr. Armstrong said the Board of Supervisors has called the public hearing to receive public comments regarding billboards. Mr. Armstrong explained that speakers should speak on the subject of keeping the current ordinances that control billboards or modifying the current ordinances for controlling billboards; he asked speakers to avoid redundancy; he asked each speaker to limit their comments to three minutes; he said speakers would not be allowed to give their speaking time to another individual; and he notified those present that the Board would listen to speakers in favor of allowing billboards first and those opposed to billboards second and the speakers would be taken in the order in which they signed in to speak.

SPEAKERS IN FAVOR OF ALLOWING BILLBOARDS

- 1. Ben Smith, Smith Engineering representing the Leatherman, Graves and McLemore families
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Mr. Smith read a prepared comment stating that the group he represents has been present at

every DeSoto County Planning Commission and Board of Supervisors meeting when billboards were discussed. They have cooperated with the Board of Supervisors by withdrawing rezoning applications until the Board could decide on the fate of billboards along U.S. Highway 61 and the proposed new Highway 304 and spur. Mr. Smith said it has always been their position that the fate of billboards should not be decided hastily but both sides in the issue now have had adequate opportunity to express their views. Fairness to all landowners along Highway 61 has been their concern. The County, has in the past, approved rezoning of property that would allow the placement of billboards on other people's land north and south of Mr. Smith's clients. Mr. Smith said that billboards exist from the community of Walls to the Tunica County line. The criteria for placement of billboards along Highway 61 established by the County has not changed since the adoption of the comprehensive plan except for the spacing. The criteria are that the property must be industrial zoned and certain spacing, size and placement specifications be followed. We would like to recommend that the County lift the existing ban on billboards so that Mr. Smith's clients can submit rezoning applications for possible approval as other Highway 61 landowners have done in the past. Mr. Smith said they believe that Highway 61 and new 304 corridors are suitable for billboards due to the casino industry in Tunica County. Billboards are sources of information needed by all motorists. Placement of additional billboard signs along the Highway 61 and new Highway 304 corridors would be an additional source of information for motorists without harming residents of DeSoto County, motorists or the land. Mr. Smith thanked the Board of Supervisors for their patience and willingness to listen to their concerns. See Exhibit One.

2. Dan LeBlond

Mr. LeBlond explained that he is a landowner along the new Highway 304. Mr. LeBlond explained that he did not ask for the new Highway 304 but the road was designed through his property and his land was taken by the State. Mr. LeBlond said the road would bring more trespassing, vandalism and litter to his property. The new Highway 304 cut Mr. LeBlond's farm in half. Mr. LeBlond said that, in his opinion, landowners should be able to decide how their land is used.

3. John Graves

Mr. Graves said he is trying to get billboards on a 74 acre cut and a 23 acre cut of land. Mr. Graves said that after he served in the war he decided to farm and on the farmland in which he farms is where he wanted to put the billboards. Mr. Graves said that he feels that a man that has accumulated land needs to be able to do what he wants to with it and this would be an additional source of income for his land.

4. Dennis McLemore

Mr. McLemore presented an aerial photograph to show how new Highway 304 will dissect his property. Mr. McLemore said that he does not feel that there is a lot of opportunity for certain parcels of land after the road is built other than billboards. Supervisor Eugene Thach asked if the McLemore's have been reimbursed by the State for their property. Mr. McLemore said they are scheduled to go to court next week.

THOSE SPEAKING AGAINST BILLBOARDS OR FOR RESTRICTING BILLBOARDS

1. Mary Ann Schwartz

Ms. Schwartz said in the past it has been discussed that ground has to be rezoned to be eligible for billboards. When you are changing zoning, such zoning is presumed to be good for the public. Any rezoning of the land should be a permanent change and the change should be made only when there is a need. Last year, on February 16, 2000, the Board of Supervisors was advised an application was solely to build billboards and that application was approved. Ms. Schwartz said that approval of that application was against federal law and the County

should give back the federal highway funds it gets for noncompliance to federal law.

2. Jo Buck

Ms. Buck asked why forty-seven states have banned billboards if there is something good about them. Ms. Buck said it was not because they were pretty that the billboards were banned.

3. Gretchen Rhodes

Ms. Rhodes said that she feels for the people who believe they have the right to do with their land as they please. Ms. Rhodes reminded those present that the County could lose their 10% funding from the federal government which would result in more taxes for local residents. Therefore, this is a public issue for all County residents. Ms. Rhodes said the current laws should either be abided by or the local government should work to change those laws.

4. John McDonald

Mr. McDonald yielded his time to speak.

5. Loretta Stronski

Ms. Stronski said she has a ten year old daughter and Highway 304, when built, will be traveled by families. Ms. Stronski said she chooses not to buy certain books or magazines and she does not allow her daughter to watch certain television shows. Therefore, she feels the same should be taken into account not to force billboards with questionable messages upon her or her family.

6. Jan Knight

Ms. Knight said that some people have lived in DeSoto County a long time and those before us worked hard to see that the integrity and beauty of this County was preserved. We have to remember that we have children and grandchildren who will hopefully live in DeSoto County for a long time to come. Ms. Knight said she wants it to be a beautiful County when her children are grown.

7. Dale Bellflower

Mr. Bellflower said he respects Mr. Graves for his service to our country and he respects Mr. Graves right as a landowner. However, we should look at Highway 61 and apply those lessons to this issue.

Mr. Armstrong called for all those who had signed up to speak who did not indicate if they would be speaking for or against billboards.

THOSE WHO SIGNED TO SPEAK BUT DID NOT INDICATE THEIR POSITION ON BILLBOARDS:

1. Joe Myracle

Joe Myracle said he was here to speak about Newport Industrial Park. Mr. Myracle said seven plots of land were not rezoned until May of 1990. Four other parcels to the north were not rezoned until October of 1995. Mr. Myracle said although they were not rezoned as industrial property, billboards were approved for the land according to his search of the records. Mr. Myracle said in his opinion the Board of Supervisors does not have jurisdiction on a State Highway such as Highway 61. Mr. Myracle said that opinion is according to Section 23-131 K. Mr. Myracle said the key to the issue of billboards is the zoning of the property and the

Board needs to consider if the property is zoned properly or not.

2. Ellis Broadway

Mr. Broadway said he is a lifelong resident of DeSoto County. Mr. Broadway said he has property that is already zoned for the signs. Mr. Broadway reminded those present that if it were not for the casino industry we would not have the issue of billboards to deal with. Mr. Broadway said that many people do not have any other opportunity other than billboards to use their land as it is zoned.

3. Jim Schwartz

Mr. Schwartz said in response to the billboard issue he would like to quote Winston Churchill who said:

“This is not the end, it is not the beginning, it is only the end of the beginning.”

4. Susan Whitten

Ms. Whitten said she disagrees with Mr. Myracle in that she believes that the local government has authority to establish regulations to regulate billboards. Under the Highway Beautification Act that was signed in 1965 by President Lyndon Johnson, control was given back to the people for highway beautification. The act was amended several times. Ms. Whitten said 24 states allowed billboard operators to clear cut the site for billboards. Ms. Whitten said there is an issue of permitted billboards in Mississippi and throughout the United States there are hundreds of non-conforming billboards. Ms. Whitten said throughout the State of Mississippi, each billboard carries one to four faces as allowed by the area in which the billboards are placed. Ms. Whitten said since moving back to Mississippi, she has noticed that Mississippians have a comfort level with being last in the States and this attitude was summed up through a newspaper article she read recently. Ms. Whitten said in addition she is concerned about a lack of response to the concerns of citizens. In closing Ms. Whitten said that progress does not have to be ugly.

Mr. Armstrong asked if anyone had come into the meeting late after the sign in sheet was taken up. Mr. Larry Sowell said that he did and would like to speak to the Board.

1. Larry Sowell

Mr. Sowell said the issue of billboards upsets him. Mr. Sowell said he is in favor of the rights of property owners. There has never been a billboard that didn't have a monetary or beneficial message in mind. Billboards are simply trying to get customers into businesses to increase profits. Mr. Sowell said that when leaving Tunica County and entering DeSoto County there is one billboard advertising a news station in Memphis. The next billboard thanks travelers for coming to Tunica County and the next is a religious message. The next billboard advertises homes for sale. Mr. Sowell said it bothers him that people assume all billboards are trash. Mr. Sowell reminded the Board of Supervisors that billboards are useful to travelers who are unfamiliar with the area.

2. Bryant Walker

Mr. Walker said he is indifferent towards billboards. However, he feels the businesses going around the signs will be a problem. Mr. Walker asked the Board to consider that a red light district may form around the signs.

3. Sharon Johnson

Ms. Johnson said that in the summer she travels between Walls and Tunica County and she is very offended by the billboards. Ms. Johnson said children do not need the influence of

billboards.

David Armstrong asked if there was anyone else who would like to address the billboard issue.

Supervisor Eugene Thach said he has heard comments that people can do what they want with their land. Supervisor Thach said DeSoto County zoning regulation states you cannot always do what you want with your land. Supervisor Thach said if you turned everybody loose you would have none of the control that protects the citizens of DeSoto County. Zoning is not done for economic purposes, rather it is done for the safety, welfare and health of the citizens of DeSoto County. When billboards were started several years ago, advertising signs now provided by the State of Mississippi were not available. Supervisor Thach explained that the State leases the sign and the profits from the sign goes back into our majority of highways. He said that many of the billboards are not kept up and he does not believe the citizens in DeSoto County want them in the County. Billboards are from Tunica County to the DeSoto County stateline on all north-south routes. Now we are considering putting the billboards on our east-west routes as well. Supervisor Thach pointed out that certain landowners could be kept from profiting from billboards because of the regulation in 1,320-foot intervals. The Planning Commission has brought a recommendation to ban billboards before the Board two times.

Joe Myracle asked what authority the County has to change State regulations from 500 feet to 1,320 feet. Supervisor Tommy Lewis responded that the County would look into it to see who has that authority.

Supervisor John Caldwell thanked everyone for coming out to the public hearing and said the Board of Supervisors never intended to make a final decision on billboards at the public hearing. Supervisor Caldwell said, as most people know, he is against billboards. Between now and the end of the moratorium, the Board of Supervisors are going to be working on a solution. Supervisor Caldwell said that for him billboards are not a matter of principle but of practice. Hopefully, the Board of Supervisors can come to a final decision that will in some way satisfy all interested parties.

Dale Bellflower asked if the Board has already made a decision. Supervisor Caldwell said they have not.

Supervisor Tommy Lewis said between this meeting and April 4th, the County has a moratorium in place. The Board of Supervisors will be making a decision by that time. Supervisor Lewis invited any interested parties to attend the Planning Commission meeting on March 7th at 9:00 a.m. where the subject of billboards may come up again. Supervisor Lewis explained that it has been their policy to receive comments whenever someone would like to give them.

Supervisor Caldwell made the motion and Supervisor Medlin seconded the motion to close the public hearing. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess until Tuesday, February 20, 2001 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 15TH. day of February, 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors